

SENATE BILL 3113

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 63,
Chapter 6, Part 2 and Title 63, Chapter 9, relative
to informed consent.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by
adding the following new sections thereto:

Section 63-6-239. Informed consent must be obtained from a patient before any
elective cosmetic or plastic surgery medical intervention is conducted. The patient must
be informed about the elective cosmetic or plastic surgery procedure by the physician
who is to perform the surgery. The physician shall provide the patient with sufficient
information to make an informed decision. Patients must be given enough time to
assess risks, make decisions and ask all the questions they wish to ask. Disclosure by
the physician should include the diagnosis, nature and purpose of the suggested
procedure, the reasonable foreseeable risks associated with such procedure and the
chance of success or failure of the procedure.

Section 63-6-240.

(a) Each physician employing any elective cosmetic or plastic surgery medical
intervention shall disclose in writing foreseeable risks and complications to include but
not be limited to:

- (1) Poor healing;
- (2) Skin loss;
- (3) Nerve damage;
- (4) Prolonged pain and discomfort;
- (5) Painful or unattractive scarring;

(6) Hair loss;

(7) Impairment of organ such as eye and lip function, when surgery is performed in those areas;

(8) Infections;

(9) Numbness;

(10) Bleeding;

(11) Bruising and swelling;

(12) Increased risk in obese persons of infection, heart and lung complications and thrombosis;

(13) Increased risk in smokers of infection, heart and lung complications and thrombosis;

(14) Blood clots; and

(15) Death.

(b) A physician should explain to the patient not only any significant risks and problems specific to such patient and the likely outcomes if complications occur, but also the risks of not having the procedure.

(c) No photograph or video footage of the patient shall be taken without the patient's knowledge and consent.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 9, Part 1, is amended by adding a new section thereto, as follows:

Section 63-9-118. Informed consent must be obtained from a patient before any elective cosmetic or plastic surgery medical intervention is conducted. The patient must be informed about the elective cosmetic or plastic surgery procedure by the osteopathic physician who is to perform the surgery. The osteopathic physician shall provide the patient with sufficient information to make an informed decision. Patients must be given

enough time to assess risks, make decisions and ask all the questions they wish to ask. Disclosure by the osteopathic physician should involve the diagnosis, nature and purpose of the suggested procedure, the reasonable foreseeable risks associated with such procedure and the chance of success or failure of the procedure.

Section 63-9-119.

(a) Each osteopathic physician employing any elective cosmetic or plastic surgery medical intervention shall disclose in writing foreseeable risks and complications to include but not be limited to:

- (1) Poor healing;
- (2) Skin loss;
- (3) Nerve damage;
- (4) Prolonged pain and discomfort;
- (5) Painful or unattractive scarring;
- (6) Hair loss;
- (7) Impairment of organ such as eye and lip function, when surgery is performed in those areas;
- (8) Infections;
- (9) Numbness;
- (10) Bleeding;
- (11) Bruising and swelling;
- (12) Increased risk in obese persons of infection, heart and lung complications and thrombosis;
- (13) Increased risk in smokers of infection, heart and lung complications and thrombosis;
- (14) Blood clots; and

(15) Death.

(b) An osteopathic physician should explain to the patient not only any significant risks and problems specific to such patient and the likely outcomes if complications occur, but also the risks of not having the procedure.

(c) No photograph or video footage of the patient shall be taken without the patient's knowledge and consent.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.